

PATENT
ATTORNEY DOCKET NO.: 044921-5029-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: William MUNGER *et al.*)
Application No.: 09/873,319) Group Art Unit: 1645
Filed: June 5, 2001) Examiner:
For: IDENTIFYING DRUGS FOR AND DIAGNOSIS)
OF BENIGN PROSTATIC HYPERPLASIA)
USING GENE EXPRESSION PROFILES)

Commissioner for Patents
BOX MISSING PARTS
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS

1. This replies to the Notice to File Missing parts of Application (PTO-1533) mailed July 20, 2001. A copy of the Notice To File Missing Parts Of Nonprovisional Application is enclosed.
2. Declaration Or Oath

☒ [XX] No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney

☐ [] The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.

☐ [] The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.
3. English Translation of Non-English Language Papers

☐ [] Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

Also enclosed is the Verification of Translation Document

4. Small Entity Statement(s)

☐ Verified Statement(s) that this is a filing by a small entity

Applicants qualify as a small business concern as defined in 37 CFR 1.27

(a)(1) through (a)(3), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code.

5. Fee Calculation

Basic Fee: Patent Application-\$740.00 Design Application-\$330.00				\$740.00
	Number Filed	Number Extra	at a Rate of	
Total Claims	80 - 20 =	60	\$18.00 each=	+1,080.00
Independent Claims	10 - 3 =	7	\$84.00 each=	+588.00
Multiple dependent claim(s), if any			\$280.00	+280.00
Missing Parts Surcharge Fee			\$130.00	+130.00
SUB-TOTAL =				2,818.00
Reduction by 1/2 for filing by a small entity				- .00
SUB-TOTAL =				
TOTAL FILING FEE =				\$2,818.00

6. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

[XX] Applicant petitions for an extension of time, the fees for which are set out in 37 CFR 1.17(a)-(d), for the total number of months checked below:

<u>Total months requested</u>	<u>Fee for extension</u>	<u>[fee for Small Entity]</u>
[] one month	\$ 110.00	\$ 55.00
[] two months	\$ 400.00	\$200.00
[X] three months	\$ 920.00	\$460.00
[] four months	\$1,440.00	\$720.00
[] five months	\$1,960.00	\$980.00

Extension of time fee due with this request: \$ 920.00

If an additional extension of time is required, please consider this a Petition therefor.

7. Fee Payment

The total fee due is: Completion Fees \$3,738.00

Total Fee Due \$3,738.00

[X] FEE IS BEING PAID BY DEPOSIT ACCOUNT NO. 50-0310
for the following:

Basic Filing Fee:	\$ 740.00
Three-month extension of time	920.00
Additional total claims	1,080.00
Independent claims	588.00
Multiple dependent claims	280.00
<u>surcharge for filing missing parts</u>	<u>130.00</u>
Total amount:	\$ 3,738.00

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R '1.16 and '1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

12/26/2001 TBESHX1 00000037 500310 09873319

06 FC:117 920.00 CH


8. Additional papers enclosed.

- ☒ Submission of Substitute Drawings Transmittal w/
Substitute Drawings (Figs. 1-6) – 6 sheets total
- ☒ Statement Accompanying Sequence Listing w/paper copy and computer
readable format (diskette).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Date: December 20, 2001



Michael S. Tuscan

Reg. No. 43,210

CUSTOMER NO. 009629

MORGAN, LEWIS & BOCKIUS^{LLP}

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SUBMISSION OF SUBSTITUTE DRAWINGS

Filed herewith are six (06) sheets of substitute patent drawings in compliance with 37 CFR 1.84.

It is requested that these drawings be approved and made part of the official record in the above-identified patent application.

If there are any fees due in connection with the filing of these drawings, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Date: December 20, 2001

Michael S. Tuscan
Reg. No. 43,210

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UNITED STATES PATENT AND TRADEMARK OFFICE



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WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/873,319	06/05/2001	William E. Munger	044921-5029-US

CONFIRMATION NO. 4129

09629

MORGAN, LEWIS & BOCKIUS
1800 M STREET NW
WASHINGTON, DC 20036-5869

FORMALITIES LETTER



OC000000006324653

Date Mailed: 07/20/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

12/26/2001 TBESHAH1 00000037 500310 09873319

01 FC:101 740.00 CH
02 FC:103 1080.00 CH
03 FC:102 588.00 CH
04 FC:105 130.00 CH
05 FC:104 280.00 CH

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$1910.
 - \$1080 for 60 total claims over 20.
 - \$560 for 7 independent claims over 3.
 - \$270 for multiple dependent claim surcharge.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 2750.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 1 - ATTORNEY/APPLICANT COPY

SECRET